RESOLUTION NO. 4

Series, 1963

BEFORE THE CITY COUNCIL OF THE CITY OF ELGIN, UNION COUNTY, OREGON:

A RESOLUTION INITIATING VACATION PROCEEDINGS FOR THE VACATION OF THE PLAT OF SOMMER'S SECOND ACRE TRACT ADDITION TO ELGIN, UNION COUNTY, OREGON, AS RECORDED IN BOOK 1 OF PLATS AT PAGE 80, RECORDS OF UNION COUNTY, OREGON, SAVE AND EXCEPT THEREFROM AND EXCLUDING FROM SUCH VACATION, THE VACATING OF ANY PORTION OF 21ST AVENUE (ORIGINALLY PLATTED AS SPRUCE STREET) SITUATE ON THE EAST SIDE OF SAID ADDITION, AND FURTHER EXCLUDING FROM SUCH VACATION LOT 1 OF BLOCK 1 OF SAID ADDITION, AND FURTHER EXCLUDING FROM SUCH VACATION THE UNVACATED PORTION OF THE UN-NAMED STREET LYING NORTH OF SAID LOT 1.

WHEREAS, SOMMER'S SECOND ACRE TRACT ADDITION to Elgin, Union County, Oregon, was dedicated as shown by the plat thereof recorded December 19, 1914, in Book 1 of Plats at Page 80, records of Union County, Oregon, and

WHEREAS, there is under single ownership the following described portion of said ADDITION as dedicated and platted, which said portion is described as follows, to-wit:

> Lots numbered 2, 3 and 4 of Block numbered 1, and all of Blocks numbered 2, 3, 4, 5, 6, 7, 8 and 9 of SOMMER'S SECOND ACRE TRACT ADDITION to Elgin, Union County, Oregon, according to the Plat thereof recorded December 19, 1914, in Book 1 of Plats at Page 80, records of Union County, Oregon, TOGETHER WITH vacated 22nd and 23rd Avenues, and vacated Alder and Birch Streets of the City of Elgin, lying within said SOMMER'S SECOND ACRE TRACT ADDITION, and the vacated un-named street lying North of Blocks 3, 2 and the West one-half of Block 1, of said ADDITION (extending from the West line of the Northeast quarter of Southeast quarter ($NE\frac{1}{4}SE\frac{1}{4}$) of Section 16 in an easterly direction to a point which is 235 feet West of the East line of said Section 16); EXCEPT the East 20 feet of the North half of that portion of said un-named street as so described.

AND, WHEREAS, the same owner owns all the land within said SOMMER'S SECOND ACRE TRACT ADDITION, EXCEPT Lot 1 of Block 1 thereof,

AND, WHEREAS, all streets originally dedicated, platted and lying within said ADDITION, EXCEPT 21st Avenue (originally platted as Spruce Street) situate on the East side of said ADDITION, and the unvacated portion of the un-named street lying North of Lot 1 of Block 1 of said ADDITION, have been vacated heretofore and said owner does not desire to vacate any portion of either of the said two streets not heretofore vacated,

AND, WHEREAS, there are no utilities situate in the portion of the plat sought to be vacated EXCEPT those which have heretofore acquired easement rights for installations and repairs.

AND, WHEREAS, the property owner of the last hereinabove described premises has requested that the portion of the plat above described be vacated and that the City Council initiate vacation proceedings with respect thereto pursuant to ORS 271.130,

AND, WHEREAS, the City Council has caused an examination to be made of said plat and the premises hereinabove described, and also the properties adjacent to and adjoining the same and situated in the immediate vicinity thereof, and has found that the vacation of said portion of said plat as above described will not in any

way adversely affect the market value of the adjoining, adjacent and closely situated properties, nor will cause any damage to inure thereto, and that the interest of the public will not be prejudiced by said vacation, but will in fact be enhanced thereby, and that the cause of the property owner will be advanced.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elgin, Union County, Oregon, does hereby initiate proceedings for the vacation of that portion of said plat as above described.

BE IT FURTHER RESOLVED, that the hour of eight p.m. on Tuesday, the 10th day of September, 1963, be and the same is hereby fixed as the time and the City Council room at the City Hall of the City of Elgin, Union County, Oregon, be and the same is hereby fixed as the place for the hearing of such proposed plat vacation and for the consideration of any objections or remonstrances thereto or any claim for damages made as a result of such proposed plat vacation, as above described.

BE IT FURTHER RESOLVED, that the City Recorder be, and she is hereby directed to give notice of such proposed plat vacation and the hearing thereon at the time and place above described by publication of such notice in the Elgin Recorder once each week for four consecutive weeks and by posting notices of said proposed plat vacation and the hearing thereon at the time and place above described pursuant to the provisions of ORS 271.110.

ADOPTED this 6TH day of August, 1963.

APPROVED this 6TH day of August, 1963.

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Mayor

ATTESTED and FILED this 6TH day of August, 1963.

Ethel D. Hunt
City Recorder